

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION**

**MARQUES POOLE**

**PETITIONER**

**VS.**

**CASE NO.: 5:15CV00061 BRW/BD**

**WENDY KELLEY, Director,  
Arkansas Department of Correction**

**RESPONDENT**

**ORDER**

The Court has reviewed the Recommended Disposition (“Recommendation”) filed by Magistrate Judge Beth Deere and the objections to the Recommendation. In addition, the Court has reviewed *de novo* those portions of the record relevant to Mr. Poole’s objections. The Court adopts the Recommendation as its own. Marques Poole’s petition for writ of habeas corpus (Doc. No. 2) is DISMISSED, without prejudice.

When entering a final order adverse to a habeas corpus petitioner, the Court must issue or deny a certificate of appealability. Rule 11 of the Rules Governing Section 2254 Cases. A certificate of appealability may issue only if a petitioner has made a substantial showing of the denial of a constitutional right.<sup>1</sup> In this case, there is no basis for this court to issue a certificate of appealability. Accordingly, a certificate of appealability is denied.

IT IS SO ORDERED, this 27th day of May, 2015.

/s/ Billy Roy Wilson  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>28 U.S.C. § 2253(c)(1)-(2).